

## POLAND (Tier 1)

Poland is a source, transit, and destination country for men and women subjected to conditions of forced labor and for women and children subjected to sex trafficking. Men and women from Poland are subjected to conditions of forced labor in the United Kingdom, Belgium, Scandinavian countries, and the Netherlands. Women and children from Poland are subjected to sex trafficking within their country and also in Germany, Austria, the Netherlands, Italy, and Finland. Women and children from Ukraine, Bulgaria, Belarus, and Romania are trafficked for commercial sexual exploitation in Poland. In a more recently identified trend, women from Africa, including Djibouti, Democratic Republic of the Congo, and Cameroon, are subjected to forced prostitution in Poland. Roma persons are recruited from Romania for forced begging in Poland. Poles are brought to the United Kingdom by an organized crime group and subsequently coerced to commit crimes, such as benefits fraud. There have been cases of Polish men and women being fraudulently recruited to work or get married abroad and then forced or induced to traffic drugs by crime groups.

The Government of Poland fully complies with the minimum standards for the elimination of trafficking. The government sustained its funding of victim protection mechanisms in all areas of the country and it identified significantly more victims compared to the previous year, though it continued to face challenges in identifying victims of labor trafficking. The government increased efforts to ensure that foreign victims were repatriated in a safe and responsible way, and it developed plans to offer monetary assistance to certain foreign victims. In one case, the government continued to prosecute identified victims of trafficking. A significant portion of convicted trafficking offenders were not sentenced to time in prison.

**Recommendations for Poland:** Fully implement the standard operating procedures for victim identification and adapt the referral mechanism to better identify victims of labor trafficking; ensure that all first-responders, including police, labor inspectors, and border guards, receive adequate training to identify and refer potential victims to care in accordance with standard operating procedures; ensure that border guards have a clear mandate to investigate potential trafficking cases; ensure that identified victims of trafficking are not penalized for acts committed as a direct result of being trafficked; take steps to ensure that the government's reflection period is offered to all victims, and that victims are not deported for initially refusing to be interviewed; take steps to ensure that a majority of trafficking offenders serve time in prison; continue to increase the shelter system's capacity to assist victims, including men and children; continue trafficking training for both prosecutors and judges; conduct additional awareness campaigns to reduce the demand for commercial sex acts; and incorporate the victim compensation process into criminal proceedings.

### Prosecution

The Government of Poland improved its anti-trafficking law enforcement efforts in 2011. Poland defines and prohibits all forms of trafficking in persons through several articles of its criminal code, amended in 2010, including articles 115.22, 115.23, 189a, 203, and 204.3. Prescribed punishments under these statutes range from one to 15 years' imprisonment; these sentences are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In January 2011, the government transferred the Central Anti-Trafficking Unit of the Polish National Police to the Central Bureau of Investigation to facilitate coordination and supervision of trafficking cases in all 17 regional police anti-trafficking units. Although the prosecutor's office did not have a specialized anti-trafficking

unit, an anti-trafficking consultant was assigned to advise prosecutors responsible for trafficking cases.

In 2011, Polish police conducted 37 new investigations involving 471 total human trafficking offenses, in contrast to 48 investigations involving 95 total offenses in 2010. According to data reported by the government, it prosecuted 17 suspected trafficking offenders and convicted 28 trafficking offenders, which compares to 77 prosecutions and 28 convictions under the former trafficking law in 2010. In collecting data, only sentences issued after appeals are considered final. In 2010, the most recent year for which post-appeal sentences were available, the government convicted 60 trafficking offenders who received sentences ranging from two months' to five to eight years' imprisonment. As in 2009, roughly half of convicted offenders received suspended sentences and about one in five convicted offenders received sentences of at least two years. During 2011, the government did not report the investigation, prosecution, conviction, or sentencing of any public officials complicit in human trafficking. Polish authorities collaborated on human trafficking investigations with foreign counterparts, including those of Germany and the United Kingdom. The government opened an investigation of the alleged forced labor of two South Asian women working as domestic servants in the house of a diplomat from a Middle Eastern country, but the case was dropped due to a lack of evidence.

During the year, the government provided anti-trafficking investigative and prosecutorial training to judges, labor inspectors, border guards, and police. For example, the National School for Judges and Prosecutors organized a series of training sessions in multiple cities on legal and criminal aspects of human trafficking for 550 judges and prosecutors. The government continued administering a four-level training program on human trafficking for border guard officers; in 2011, approximately one-third of the 15,000 officers took the basic-level three-hour training. The national police continued implementation of an extensive 40-hour specialist training on human trafficking by organizing three editions of the training in police academies around the country; between 2009 and 2011, a total of 229 federal, provincial, and municipal police officers attended the training. In August and November, the National Labor Inspectorate conducted training for 83 labor inspectors, which focused on trafficking in persons.

## **Protection**

The Government of Poland increased its anti-trafficking victim protection efforts in 2011, identifying significantly more victims. The police identified 304 victims of trafficking through investigations in 2011, a significant increase from the 85 victims identified in 2010. According to the national police Central Anti-Trafficking Unit, police officers and border guards were well trained in identifying potential sex trafficking victims, though they appeared to lack expertise in identifying forced labor victims. Additionally, the border guard forces' primary tasks, as defined in the law, did not include investigating human trafficking; therefore, border guards could only investigate human trafficking cases that involve other offenses, such as immigration violations or possession of false documents. Labor inspectors had the authority to verify the legality of foreign worker employment and to refer suspected trafficking cases to law enforcement for investigation. While there were no new reports of trafficking victims inappropriately detained or charged by authorities in 2011, the OSCE reported that a Polish court refused to recognize three Azerbaijani workers initially identified in 2010 as trafficking victims and prosecuted them as members of an organized crime group, despite evidence that the victims' salaries were withheld and their families were threatened. In

2011, the government sustained previous funding for victim assistance, allocating the equivalent of approximately \$250,000 for victim assistance. The government continued to fund the NGO-run National Intervention-Consultation Center for Victims of Trafficking to provide assistance to foreign and Polish victims of trafficking. The center provided assistance to 133 victims in 2011, down from 253 in 2010. The center hosted an anti-trafficking hotline, provided victims with comprehensive assistance resources, and offered a shelter for adult female trafficking victims. Government-funded NGOs provided medical and psychological care, legal assistance, protective services, food, clothing, and crisis intervention. The government designated and partially funded 19 other crisis centers with capacity for 123 persons across the country as shelters for trafficking victims. There were no shelters designated specifically for male trafficking victims, although the government housed male victims of trafficking together with females in crisis centers, with supervision from anti-trafficking NGOs. Adult victims of trafficking were allowed to leave the shelters unchaperoned and at will. The Ministry of Labor and Social Policy organized and funded four training sessions for a total of 116 social workers on the trafficking situation in Poland, the anti-trafficking legal framework, models of assistance, and identification of victims. The national police and the border guard developed an updated version of the referral standard operating procedures that includes an identification tool for all types of trafficking, with particular emphasis on forced labor, which will be adopted once the revised law on foreigners is passed.

Foreign victims of trafficking, whether third country nationals or EU citizens, were entitled to receive the same social welfare benefits provided to Polish citizens, including crisis intervention assistance, shelter, food, clothing, and a living allowance. Under the Law on Aliens, the government offered foreign victims a three-month reflection period during which foreign victims can stay legally in Poland to deliberate whether to cooperate with the criminal process. In 2011, two foreign trafficking victims accepted the reflection period, up from none in 2010, yet both decided not to testify; international organizations raised concerns that foreign victims who declined to participate in law enforcement investigations were not classified as trafficking victims or offered the reflection period and attendant services. In October 2011, the government signed an agreement with IOM to ensure that assistance is provided to foreign trafficking victims which is not dependent on cooperation with law enforcement. The agreement also provides for a risk-assessment for each victim to confirm that the person will be safe upon return to the home country. The government's witness protection program provided victims with shelter, food, clothing, transportation, and medical and psychological care; in 2011, the government enrolled 25 victims in the program, 20 of whom cooperated with law enforcement, compared to 34 victims in 2010, all of whom cooperated with law enforcement. The government encouraged victims to participate in criminal proceedings, including through the use of videoconference technology to secure testimony from victims no longer in Poland. Victims may file civil suits against traffickers; however, the UN Special Rapporteur expressed concern that prosecutors do not adequately incorporate compensation or restitution options into criminal proceedings.

## **Prevention**

The government sustained its strong anti-trafficking prevention efforts during the reporting period. The Ministry of Interior pursued partnerships with NGOs to educate schoolchildren on trafficking, providing leaflets and workshops for 493 teachers from five regions to discuss human trafficking with their students. The Ministry of Labor and Social Policy provided guidance to potential Polish emigrants on the dangers of human trafficking through a

guidebook that was distributed through job centers and the Internet. The government also established a hotline and equipped operators with a handbook. The Ministry of Labor continued to operate a website with a chat room where experts answered questions and gave advice on how to determine the legitimacy of job offers. Experts also advised prospective job seekers on available legal assistance in the case of labor exploitation or breach of contract. Border guard officers continued to distribute leaflets in English, Russian, Bulgarian, Vietnamese, and Romanian to inform potential victims of trafficking about how to find assistance in Poland. The government organized its anti-trafficking activities through its inter-ministerial anti-trafficking team, which in June 2011 approved the fifth National Action Plan for Combating and Preventing Human Trafficking for 2011-2012. While the government did not have an independent national rapporteur on trafficking, the Ministry of the Interior will publish a comprehensive governmental report on trafficking that will cover the years 2009-2011 in 2012, and according to the new national action plan will publish a report annually thereafter. In September, the Szczecin provincial police hosted a training workshop for police officers from Poland, Belarus, and Ukraine to improve cooperation between the three countries in combating human trafficking and better treatment of victims. In November, the Ministry of the Interior hosted an international seminar for EU member states, EU neighbor countries, international organizations, and NGOs on best practices in combating and preventing human trafficking. The government did not conduct a specific campaign to reduce the demand for commercial sex acts targeted at potential clients of prostitution, nor did it organize any programs to reduce any participation of Polish nationals in child sex tourism.